United Nations A/63/PV.24

General Assembly
Sixty-third session

Official Records

24th plenary meeting
Monday, 13 October 2008, 10 a.m.
New York

President: Mr. D'Escoto Brockmann. . . . . (Nicaragua)

The meeting was called to order at 10.10 a.m.

Agenda item 122

Scale of assessments for the apportionment of the expenses of the United Nations

Report of the Fifth Committee (A/63/472)

The President (*spoke in Spanish*): If there is no proposal under rule 66 of the rules of procedure, may I take it that the General Assembly decides not to discuss the report of the Fifth Committee that is before the Assembly today?

It was so decided.

The President (*spoke in Spanish*): Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendation of the Fifth Committee have been made clear in that Committee and are reflected in that relevant official records.

May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that when the same draft resolution is considered in a Main Committee and in plenary meeting a delegation should, as far as possible, explain its vote only once. That is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee. May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes.

Before we begin to take action on the recommendation contained in the report of the Fifth Committee, I should like to advise representatives that we are going to proceed to take a decision in the same manner as was done in the Fifth Committee.

The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report. The Fifth Committee adopted the draft resolution, entitled "Scale of assessments for the apportionment of the expenses of the United Nations: requests under Article 19 of the Charter", without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 63/4).

The President (*spoke in Spanish*): The Assembly has thus concluded this stage of its consideration of agenda item 122.

Agenda items 67 and 68

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General (A/63/209)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

08-54686 (E)

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General (A/63/210)

The President (*spoke in Spanish*): May I take it that it is the wish of the Assembly to take note of the thirteenth annual report of the International Criminal Tribunal for Rwanda (A/63/209)?

It was so decided.

The President (*spoke in Spanish*): May I take it that it is the wish of the Assembly to take note of the fifteenth annual report of the International Criminal Tribunal for the Former Yugoslavia (A/63/210)?

It was so decided.

The President (*spoke in Spanish*): I call on Mr. Dennis Byron, President of the International Criminal Tribunal for Rwanda.

Mr. Byron: I am greatly honoured to address the members of the General Assembly. I would like to take this opportunity to extend my most sincere congratulations to you, Sir, on your election as President of this Assembly and to wish you a successful and fulfilling tour of duty.

I wish, with the greatest respect, to invite the Assembly to take a special interest in the Tribunal, as timely action by the General Assembly is pivotal to the completion of its mandate within the projected time frames.

Approximately 14 years ago, the international community responded to the serious violations of international humanitarian law committed throughout Rwanda, which resulted in the killings of more than 800,000 people and in other acts of violence, by establishing the International Criminal Tribunal for Rwanda.

The Tribunal's mandate has been to contribute to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda and the Great Lakes region, as well as to ensure that violations of international humanitarian law are halted and effectively redressed.

I have found it remarkable that this political institution considered that the attainment of such a political objective could best be achieved through a judicial process. I am sure that there were those who had questions and doubts about the ability of a judicial institution to address such an objective.

But, today, whatever system is employed to measure the success of the venture, there can be no doubt that peace has been restored and maintained in Rwanda, that there is a credible and ongoing process of national reconciliation, that many of the violations have been addressed and that some have been effectively redressed.

Of course, work remains to be done and circumstances have given the Tribunal new tasks. But there can be no doubt that the Tribunal has been a central and stabilizing instrument that has made major and lasting contributions to the establishment of international justice, peace and reconciliation, which currently prevail in the region.

Among the most basic and important of the Tribunal's achievements has been the accumulation of an indisputable historical record, including testimonies of witnesses, testimonies of victims, testimonies of accused, documentary evidence, and video and audio recordings. That record was invaluable to the Appeals Chamber when it discredited and rejected the theory that genocide and widespread or systematic attacks against civilian populations had not actually occurred in Rwanda in 1994.

In a nutshell, the Tribunal has established an important, judicially verified factual record of those atrocities. The importance and value of that record and the archival collections of the Tribunal to national, regional and international history should not be underestimated. They have contributed and will continue to contribute to the peace and reconciliation process in Rwanda and in the Great Lakes region, and they offer a guide for addressing similar violations of international humanitarian law in other areas of the world.

The Tribunal and its twin sister, the International Criminal Tribunal for the Former Yugoslavia (ICTY), have been the modern pioneers of a credible international criminal justice system. They have contributed greatly to the development of substantive international criminal law and procedure. The 14 years of our activity have produced a substantial body of jurisprudence, including the definitions of the elements of the crimes of genocide, crimes against humanity and

war crimes, as well as of forms of responsibility, such as superior responsibility. Other international tribunals and courts will have a well-established foundation on which to build. The work of the Tribunal has transformed the resolutions, treaties and conventions emanating from the United Nations into practical and effective tools to be used by the international criminal justice system in its efforts to end mass atrocities.

The Tribunal has also fostered national compliance with international obligations in the human rights sphere. For example, Rwanda has already abolished the death penalty in order to facilitate the transfer of cases to its jurisdiction. The Trial Chamber's decision not to transfer the Munyakazi case to Rwanda was recently upheld by the Appeals Chamber. The reasons given in the appellate judgement could lead to even further reforms, including a clarification of the applicable punishment for those transferred to Rwanda, the exclusion of life imprisonment in solitary confinement and strengthening the witness protection programme.

The referral proceedings have also put the spotlight on other countries that need to adopt domestic legislation implementing the human rights treaties and conventions to which they are parties. The Tribunal's influence, therefore, extends well beyond the Great Lakes region, spreading what are arguably the highest ideals of this body — its international standards of human rights — and transforming them from noble aspirations into enforceable legislation and impartial judicial processes.

I am honoured to present to the General Assembly today the Tribunal's thirteenth annual report, which outlines the Tribunal's activities from July 2007 to June 2008 and reflects those remarkable and ongoing achievements and the Tribunal's unwavering commitment to its mandate. During the reporting period, all sections of the Tribunal worked vigorously, combining their efforts to complete their tasks at the earliest possible date while upholding due process and guaranteeing the right to a fair trial for all those who are accused.

Since July 2007, the Trial Chambers have issued more than 400 interlocutory and pretrial decisions. They rendered judgements and sentences involving four accused. Decisions were delivered in five applications for referral of cases to national jurisdictions. Two were successfully referred, while in three cases the referral was denied. The evidence phase of trials involving seven accused has been completed. Currently, there are 13 accused awaiting judgement. Trials involving 15 accused are in progress. The cases of four detainees, including one case of contempt, are at the pretrial stage. One accused who has been recently transferred to the Tribunal made his initial appearance last week, pleading not guilty on all charges against him. And there is one individual awaiting retrial as ordered by the Appeals Chamber this past August in its Muvunyi judgement.

These figures show that by December 2009 the Trial Chambers will be required to deliver judgements against 34 accused persons. In addition, as a result of the recent Appeals Chamber decision upholding the denial of transferring the case of Munyakazi to Rwanda, that case, along with the cases of Kanyarukiga, Hategekimana and Gatete, may now have to be added to the Tribunal's workload, making the total for adjudication 38 cases.

The Appeals Chamber has also continued to function effectively. It has delivered more than 80 interlocutory decisions and pretrial orders and decisions as well as judgements concerning three individuals. That brings the number of persons who have had their appeals completed to a total of 25. As a result, only one appeal is pending. But I think that the Assembly should take note that the appellate workload is likely to increase dramatically in the near future and that the capacity of the Appeals Chamber may need to be enhanced to cope with it.

During the reporting period, Prosecutor Hassan Jallow and his staff were at full stretch, investigating and developing evidence for cases not yet in trial, presenting evidence in the cases before the Trial Chambers and dealing with matters before the Appeals Chamber. Prosecutor Jallow has continued to devote special efforts to securing the arrest of the remaining fugitives, two of whom were arrested during the reporting period. His Office continued to work to find countries willing to receive cases for referral to national jurisdictions. It has been providing assistance in the two cases that have been successfully transferred. Two additional referrals are now pending before the Appeals Chamber, and two others are pending before Trial Chambers. The Office of the Prosecutor has compiled a significant database of evidentiary material and is continuously assisting national jurisdictions in their investigations.

During the present reporting period, the Registry, headed by Mr. Adama Dieng, has continued to play a vital role by providing administrative and legal support to all the Tribunal's trials. In my last report, I explained that the Tribunal was experiencing difficulty due to the inability to offer long-term appointments, which has contributed to the current high staff turnover. The Registry continues its efforts to retain the competent, knowledgeable and experienced staff members required for the successful completion of the Tribunal's mandate. To cushion the impact of the Tribunal's drawdown plan and address the exceptional situation that comes with it, the Tribunal has engaged the support of the Department of Management, especially the Offices of the Comptroller and of Human Resources Management, to explore and adopt flexible, exceptional measures and a common strategy to address the challenges of downsizing and ensure that the Tribunal completes its work within the set time frames. However, more needs to be done in order to address the issue of staff retention, and we will continue to count on the Assembly's support.

During the reporting period, the Office of the Registrar has also continued to deploy vigorous and commendable diplomatic efforts in the relocation of acquitted persons. As a result of — and thanks to — the cooperation of Member States, one acquitted person has been relocated. Now only one acquitted person awaits relocation, and efforts are ongoing to find a suitable resolution.

Establishing peace, justice, security and reconciliation in the region remains a central activity of the Tribunal. As a key component of its mandate, the Tribunal provides support in Rwanda to the judiciary, to civil society and to academic institutions through its comprehensive capacity-building and outreach programmes. The Registry in particular has continued to promote the Tribunal's work by carrying out a diverse range of public relations activities, including training sessions and the production of documentaries and other publications, notably in Rwanda and the Great Lakes region.

The Tribunal has worked assiduously in compliance with the completion strategy. The task has been daunting, yet we have tackled the challenge with confidence and determination. However, there have been developments that added to the workload on which the time estimates were initially based. Because of the recent arrests of the three fugitives who have to be tried at the Tribunal, we are now planning trials for which provision had not previously been made. I would like to take this opportunity to call again on Member States to take more active steps in apprehending the remaining fugitives, because the value of our achievements will be diminished unless all those arrests are secured. The inevitable result of those additional undertakings is the need for additional time to complete the proceedings.

At the request of the Tribunal, following its presentation of evidence on the progress of its work and projections, the Security Council extended the terms of office of some judges in July 2008. The Assembly will have to decide on the proposed additional resources in support of the revised judicial workload.

The Tribunal has set for itself a very high standard of performance. The workload for which we are planning is far higher than at any other time in its history. If one uses the number of judgements delivered as a measurement standard, then within the next 14 months the Tribunal will produce a quantum of work almost equivalent to, and maybe exceeding, the quantum of work produced over the previous 14 years. Since 1998, 31 trial judgements involving 37 accused have been rendered. We are now planning to deliver judgements in respect of 34 accused in the next 14 months. The Tribunal must now consider adding to its workload one case the referral of which has not been successful, and potentially three other cases the requests for referral of which are pending before the Appeals Chamber, which concern the same national jurisdiction.

It is true that many of those judgements will be delivered after trials that have taken several years to complete. But the upcoming challenge for the judges and support staff is that the multi-track system devised to expedite the process requires that trial and judgement writing activities in every Trial Chamber overlap during the coming period. That is no easy task.

A workload of such magnitude over a short period will require the continued service of a staff whose experience, competence and dedication were essential to the achievements of which the Tribunal boasts. Unfortunately, our very success in moving towards the timely completion of our tasks leads to the lack of staff whose services are indispensable to continued progress. Unless we can provide our staff

with reasonable expectations of secure employment, we will deprive ourselves of the means to achieve the goals and the timetable to which we are committed.

For some time, the Tribunal has been discussing the importance of devising strategies for staff retention with this Assembly. Now the situation is even more critical than before. A continued loss of staff will make the task insurmountable. When it became apparent that there would be no financial incentives for staff retention, the Tribunal adopted a number of alternate strategies. But at present, the most important requirement for the retention of staff is predictability of employment until the completion of our work, and that is within the power of this Assembly to guarantee.

We have applied for a supplementary budget to retain the staff required for the trials planned for 2009. Rapid adoption of the supplementary budget will provide the required predictability for our staff members and allow the Tribunal to move effectively and expeditiously towards a successful implementation of its completion strategy. Without that approval, comprehensive and efficient planning will be impossible.

I should point out that the need for a supplementary budget does not reflect any inefficiency on the part of the Tribunal. It reflects, rather, the fact that this Tribunal, and others like it, are in many ways unprecedented in the history of international jurisprudence. While it was obvious at the outset that funding would have to be provided for its operation, it may not have been so obvious that any Tribunal designed to exist for a limited time would require budgetary adjustments as it approached the conclusion of its mandate. I stand before the Assembly to reiterate that the Tribunal remains committed to its important mandate to bring to justice those most responsible for the mass atrocity in Rwanda during 1994, to restore peace to the Great Lakes region and to facilitate reconciliation between the former combatants.

Finally, it would be remiss of me not to recall that the Tribunal is actively preparing for the period after the completion of its current trial work. Discussions and exchanges of views are under way with the Office of Legal Affairs and other stakeholders to determine the residual functions needed to preserve the Tribunal's legacy, including such important issues as the enforcement of sentences, the protection of witnesses and the maintenance of archives in which so much history is reposed.

I would now like to thank the General Assembly for its unfailing support to the Tribunal, which is paramount to the successful accomplishment of our vital mission. Approximately 14 years ago the international community determined that international justice was an essential component of reconciliation and peace. We think the Member States were right. We must ensure that the next generations will never forget our accomplishments and will pursue the fight against impunity of those who commit the most serious international crimes.

The President (*spoke in Spanish*): I thank the President of the International Criminal Tribunal for Rwanda.

I now call on Mr. Fausto Pocar, President of the International Criminal Tribunal for the Former Yugoslavia.

Mr. Pocar (*spoke in Spanish*): I would like to take this opportunity to congratulate you, Sir, upon your election as President of the General Assembly. It is a great honour for me to take the floor under your presidency for the third time as President of the International Criminal Tribunal for the Former Yugoslavia and to present the fifteenth annual report of the Tribunal (see A/63/210). I would like to take this opportunity to convey my warmest gratitude to the members of the Assembly for their support of the Tribunal over the years, which is essential to enable the Tribunal to complete its work.

(*spoke in French*)

In my address today, I would like to outline the Tribunal's remarkable work and to highlight the significance of its legacy for the future of international criminal justice. Since 2004, the effectiveness of the Tribunal has been measured primarily by the yardstick of the targets established in the framework of the completion strategy endorsed by the Security Council in resolutions 1503 (2003) and 1534 (2004). However, the completion of the cases on our docket is only part of our mission. Our main goal is to ensure that the pioneering role and substantial accomplishments of the Tribunal will continue to inspire future generations in their fight for justice. In other words, the fight against impunity must remain a priority for the international community, and towards that end the international community must continue to support judges, prosecutors and human rights defenders, in particular in the countries of the former Yugoslavia, in order to

strengthen the rule of law by bringing to justice those responsible for international crimes.

The Tribunal has been a resounding success in many respects. It has brought charges against 161 individuals and completed proceedings against 116 of them. It has created nearly two thirds of the entire body of international case law dealing with violations of international humanitarian law. It has continuously strived to improve its procedures and working methods and has achieved unparalleled productivity. It has contributed to the exceptional development and unprecedented strengthening of international criminal and humanitarian law. And more importantly, it has brought justice to victims, helped build peace and promoted reconciliation by supporting judicial institutions responsible for pursuing and trying war criminals in the former Yugoslavia.

However, in order to preserve the Tribunal's achievements and to enable it to fulfil its mission, the international community must keep up its support in several areas. First, the Tribunal must be provided with all necessary means to complete its proceedings fairly and expeditiously. Secondly, the remaining fugitives must be arrested, and thirdly, more substantial assistance must be provided to our partners in the former Yugoslavia.

With regard, first, to the completion of trials, over the past year we have greatly improved efficiency and made unprecedented progress. At present, of the 43 remaining accused individuals — excluding the 2 who are still fugitives — 22 are currently on trial, 6 are awaiting judgement, 10 are on appeal, and only 5 — including 4 who were recently arrested — are awaiting their trials, which will begin shortly.

During the reporting period, the Trial Chambers rendered 213 decisions on pretrial matters in 8 cases, delivered 5 judgements and heard 5 contempt cases. Since October 2007, the Appeals Chamber has rendered 169 decisions comprising 10 appeals from judgements, 43 interlocutory appeals, 90 pre-appeal decisions and 26 review, reconsideration or other decisions.

Those results are the fruit of our steady efforts to identify new concrete measures that would enable us to streamline our work. For that purpose, in April I decided to reconstitute the working groups tasked with speeding up trials and appeals.

The Trial Chambers have been able to conduct simultaneous proceedings in eight cases, thanks to the very effective management of three courtrooms, with all of the empty time slots being used, but also thanks to the appointment of ad litem judges to two or even three cases under way.

As I have already underscored, the contribution made by the ad litem judges remains essential for the Tribunal to complete the cases. To that end, I took the initiative of recommending to the Security Council that it adopt a resolution authorizing the appointment of additional ad litem judges, who already number more than the limit set by the statute, which is 12. Resolution 1800 (2008), which was adopted in February, allowed us to appoint two additional ad litem judges and commence two new trials.

I also wish to draw the attention of the Assembly today to two other issues that are critical to the completion of the cases on our docket. The first, which I addressed before the General Assembly last year, concerns the pension entitlements of permanent judges. I wish to point out that the conclusions of a study conducted by an independent consulting firm, which were endorsed by the Secretariat, confirm our claim that the disparity between the pension benefits of judges of the Tribunal and those of judges of the International Court of Justice is discriminatory and clearly contrary to the Tribunal's Statute. It is imperative that that issue, which will have direct consequences for the completion of the trials, be swiftly resolved.

Thus, we need the Assembly's unwavering support at this stage. There is no doubt that, if the Tribunal's judges do not receive the same benefits as the Court's judges, some of them will be obliged to resign in order to return their countries' jurisdictions and secure their pension entitlements. We would then lose the valuable contributions of experienced judges at a critical time in the Tribunal's mandate, when our objectives demand maximum efficiency. I therefore urge the General Assembly to address this matter as soon as possible by adopting the recommendations set out in the consulting firm's study and those of the Secretary-General.

Another issue that has arisen is the retention of highly qualified staff. As the Tribunal's work nears completion, staff members will have to seek new career opportunities, and many are already doing so. We must ensure that our staff members, who have dedicated many years of service to the institution, benefit from

training and career counselling and that measures are adopted to enhance their career prospects as the Tribunal completes its work. Such measures are essential so that we can manage departures of staff and retain key personnel without whom the Tribunal will not be able to complete its work on time.

(*spoke in English*)

Let me now turn to the second point for which Member State support is essential: the arrest of the remaining fugitives. As Members are well aware, positive developments have taken place during the reporting period. The arrests of Stojan Župljanin and Radovan Karadžić were particularly important milestones, and we commend the Government of Serbia for the critical cooperation it provided in that respect. However, we cannot successfully accomplish our work if the last two remaining fugitives, Ratko Mladić and Goran Hadžić, are not arrested immediately. I must emphasize once again that, while the Tribunal has done its utmost to expeditiously conduct and complete its cases, the late arrests of fugitives — for which the international community must take responsibility — will inevitably lead to slippages in the scheduled end of our proceedings. Thus, while we are ensuring that the trials of the four recently arrested accused will all start in 2009, the arrests of the remaining fugitives might oblige us to push back even further our target dates for the completion of all trials.

I also wish to reiterate that the obligation of all States Members of the United Nations to cooperate with the Tribunal, pursuant to article 29 of the Statute, is not limited to the arrest of fugitives. That obligation is, in fact, much wider and also entails the provision of assistance in all aspects of the ongoing proceedings before the Tribunal, including access to archives, the production of documents and access to and the protection of witnesses. I must note, in that respect, disturbing incidents of witness interference that have occurred during the reporting period, as well as delays in the service of documents, which have affected the expeditious conduct of our proceedings.

Finally, State cooperation also entails cooperation in the relocation of witnesses and the enforcement of the Tribunal's sentences. While the Registry has managed to finalize seven agreements on the enforcement of sentences, further support from States is required with respect to the relocation of witnesses.

The third and final point that I would like to raise with members today is, to my mind, equally important. It concerns the legacy that we will leave for international and domestic courts in the conduct of complex criminal cases dealing with serious violations of international humanitarian law and, in particular, the continuation of our mission by judicial institutions in the former Yugoslavia.

Allow me to recall, in that respect, that the Tribunal was never intended to serve indefinitely as a substitute for national courts, in particular in the region of the former Yugoslavia. Those domestic courts have an essential role to play in ensuring that justice is served and in promoting reconciliation. Thus, our strategy for the future must not only include the completion of the cases on our docket; as I said earlier, we must also strive to secure the continuation by local actors of our mission to fight impunity. In other words, we will satisfactorily fulfil our mandate only if domestic judicial institutions are ready to take on the task that we will leave behind.

That strategy also makes sense in the context of a more prosaic, cost-benefit analysis: a failure to adequately support domestic rule-of-law institutions will, in effect, diminish the impact of Member States' significant financial investments in international justice made through their contributions to the Tribunal budget. The capital invested thus far will not yield the expected return if the international community does not continue to support our legacy projects.

As detailed in my report, during the reporting period we have taken and supported multiple initiatives to strengthen our partnership with domestic judicial institutions and to establish close communication channels with our interlocutors in the region. Following the amendments in July 2007 and February 2008 of rule 75 (H) of the Tribunal's Rules of Procedure and Evidence — which allows parties, judges, victims and witnesses to directly petition the Tribunal for variation of protective measures ordered by the Tribunal — we have handled a large number of applications from Bosnia and Herzegovina, Croatia and Serbia. To ensure expeditious processing, I established a special bench to deal with some of those applications.

In previous reports, I have emphasized the Tribunal's referral of the cases of 13 mid- to low-level accused to domestic jurisdictions in the region, pursuant to rule 11 bis of our Rules of Procedure and

Evidence. The referral procedure has been very successful so far, and the trials of the individuals who have been transferred are being closely monitored by the Organization for Security and Cooperation in Europe on behalf of the Office of the Prosecutor.

However, one must not forget that, in addition to the cases referred by the Tribunal, thousands of war crimes cases are currently pending or being investigated by domestic judicial institutions. Therefore, the continuing support of the international community for domestic institutions remains absolutely essential to guaranteeing the lasting establishment of the rule of law.

Mr. Tommo Monthe (Cameroon), Vice-President, took the Chair.

On the occasion of my visit to Bosnia and Herzegovina in May, I saw for myself the extent of the task that remains to be achieved. Cooperation between States of the region in the investigation and prosecution of alleged war criminals, such as the extradition of nationals who are alleged war criminals to another jurisdiction, remains problematic. In addition, there are still dire needs with respect to the security of detention facilities, in particular in Bosnia and Herzegovina. That was unfortunately highlighted by the escape from prison of Radovan Stankovic, whose case was referred by the Tribunal to Bosnia and Herzegovina under rule 11 bis. The escape happened less than two months after Stankovic was convicted of systematic rape, torture and enslavement of women and underage girls and sentenced to 20 years' imprisonment. The fact that, a year and a half later, he has not yet been apprehended is regrettable.

The lack of progress made by the relevant authorities in apprehending Stankovic and in prosecuting those who assisted his escape at all levels has been a cause of serious concern for the Tribunal. We cannot afford to let the valiant efforts of domestic judiciaries to strengthen the rule of law be tarnished by the inaction of Governments and local authorities. It is thus essential that the international community continue to press those authorities to address that failure.

In that regard as well, I must take this opportunity to raise the issue of the presence of international staff in the State Court and Prosecutor's Office of Bosnia and Herzegovina. During my visit to Bosnia and Herzegovina, various actors voiced concern about the impending departure of that staff, given that their mandate is due to terminate at the end of 2009. Victims' groups, for instance, have indicated that it will have a detrimental impact on the willingness of witnesses to testify. I therefore urge the international community to support an extension of the mandates of the international members of the State Court and Prosecutor's Office of Bosnia and Herzegovina.

We have also initiated two joint projects to ensure the preservation of the Tribunal's legacy. One project, which should be completed before the end of the year, was undertaken with the assistance of the United Nations Interregional Crime and Justice Research Institute and consists of compiling a manual of the Tribunal's best practices, which will be of great value to other international and domestic jurisdictions involved in the prosecution of war crimes cases.

Another project, launched in partnership with the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights, involves assessing the impact of capacity-building efforts and identifying what remains to be done to ensure that local judiciaries have the capacity to continue the work of the Tribunal long after it completes its mandate.

Let me, finally, touch briefly on the ongoing discussions on residual mechanisms. As I previously reported, we submitted our final report on residual mechanisms in September 2007. Since then, we have met with the Security Council Working Group on the ad hoc Tribunals and provided several clarifications in response to the questions of Working Group members. We also welcomed members of the Working Group to the Tribunal on 1 and 2 October. That visit gave members the opportunity to meet our judges and senior staff and gain a more practical understanding of our work, which I am sure will prove helpful when determining the features of the Tribunal's residual mechanisms.

With respect to the specific question of the Tribunal's archives, we just received a report from the Advisory Committee on Archives set up by the Registrars of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, which will soon be considered by the Tribunal with a view to submitting its recommendations on that question. I must, in that regard, take the opportunity to emphasize that, irrespective of the political decision on the physi l location of the Tribunal's archives, it is of critical

importance that open access to the archives be guaranteed. For that purpose, a suggested approach would be the creation of memorial centres in the main cities of the region, offering access to archives, historical information on the Tribunal's proceedings and cases, as well as interactive debates on international criminal justice and reconciliation in the former Yugoslavia. That would not only meet the primary objective of the archives project, which is easy and open access to our work by the interested public; it would also guarantee the seamless continuation of the long-standing work and achievements of the Tribunal's outreach programme, which are described in my report.

The Tribunal's achievements would not have been possible without the vital support of the members of this Assembly. The creation of the Tribunal in 1993 heralded a new era in international affairs. It led to the establishment of many other international criminal justice institutions, which together work towards a single goal: fighting impunity and bringing justice to victims of gross violations of international law. But the Tribunal's work has also had a deep impact on domestic judiciaries, particularly in the former Yugoslavia. Those judges, prosecutors and defence lawyers are the actors that will most fundamentally contribute to the lasting development of the rule of law in the region, which, 15 years ago, was still the scene of one of the most brutal conflicts of the twentieth century. Once the Tribunal completes its cases, those are the people whom the international community must continue to support if it truly wants to guarantee long-term peace and prosperity in that part of the world.

I call upon all Member States to assist us in our commitment to seeing the work of the Tribunal successfully through to the end and to provide support to those institutions in the former Yugoslavia which will carry on our mission to fight impunity.

Mr. Ripert (France) (*spoke in French*): I have the honour of speaking on behalf of the European Union (EU). The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the country of the Stabilisation and Association Process and potential candidate Albania; and the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Ukraine and the Republic of Moldova align themselves with this statement.

This year once again, the European Union intends to reaffirm its constant and unwavering support for the work of the International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY), as correctly recalled by their respective Presidents, Mr. Byron and Mr. Pocar. The EU thanks them both for their excellent reports (A/63/209 and A/63/210) and welcomes their efforts successfully to complete the work of the two Tribunals in accordance with the completion strategy specified by the Security Council.

It is still too early to make a final assessment of the work of the Tribunals, whose job is not completely finished, but we can already underscore their influence and their achievements.

First, since their establishment, both Tribunals have embodied the need to fight impunity and the refusal to let the perpetrators of morally outrageous crimes escape justice. They were forerunners in creating jurisprudence that is a source of inspiration for all national and international jurisdictions that will have to address such crimes. Their record bears that out. International criminal justice does exist, it prevails and, sooner or later, the perpetrators will answer to it for their heinous crimes.

Secondly, apart from the qualitative aspect, from a quantitative standpoint the work of both Tribunals has been impressive. The numbers provided by their Presidents speak for themselves. If we include the cases of lesser importance assigned to national jurisdictions, few perpetrators are still at large. The European Union would like to pay special tribute to the work of the Tribunals' staff — especially judges, prosecutors and registrars — who have redoubled their efforts to adhere to the completion strategy. Thanks to the additional ad litem judges, the Tribunals should complete the ongoing proceedings within the specified time limits.

The arrests last June of Stojan Župljanin and, after 13 years at large, of Radovan Karadžić, represent a major breakthrough for the International Criminal Tribunal for the former Yugoslavia. The EU commends Serbia's cooperation, which made that possible. It recalls that full cooperation with the ICTY was essential to the EU stabilization and association strategy towards all countries of the region. We now expect Ratko Mladić and Goran Hadžić to be arrested and, in that regard, count on the continued cooperation of the States of the region with the Tribunal.

With regard to the ICTR, the overall record is also extremely positive, although we regret that 13 accused have yet to be brought to justice. The European Union urges all States to improve their cooperation with the ICTR and to fulfil their obligations with respect to the arrest and return of the accused at large. We call particularly on the Kenyan Government to do its utmost to secure the arrest of Félicien Kabuga and his surrender to Arusha.

Strengthening the Rwandan legal system to improve its ability to judge cases transferred from the Tribunal is also one of the goals of the European Union. The EU notes with appreciation the efforts made by Rwanda to meet the requirements involved in guaranteeing the right to a fair trial, and hopes that those efforts will allow the ICTR to transfer lower-ranked defendants before the Rwandan courts. Such a transfer is an important part of the Tribunal's completion strategy.

The Tribunals are approaching the end of their completion strategy. Neither Tribunal was intended to be permanent. They will cease to exist when the Security Council deems that the job for which they were set up has been accomplished. We look forward to that moment, as it will mark the end of the Tribunals' mission and confirm their undisputed success. One thing must, however, be clear: High-level fugitives, such as Mladić, Hadžić and Kabuga, must be judged by an international tribunal and cannot count on impunity or on being forgotten.

It is important that the Tribunals be granted adequate resources to enable them to meet the completion strategy time limits set by the Security Council as regards ongoing proceedings. The EU acknowledges that the arrests of Župljanin and Karadžić will most likely lead to those deadlines being revised, as their trials cannot be rushed. The same will be true for the other high-level fugitives if, as hoped, they are caught soon. We also understand that the transfer of low-ranking defendants before national jurisdictions is not easy to decide. However, we must emphasize that the Tribunals must continue to make all necessary efforts to complete their work within the Security Council time frames.

The EU is committed to preserving the legacy of the Tribunals after their closure. We believe that, if high-ranking fugitives are still at large upon completion of the Tribunals, a mechanism that can reconstitute the capacity to try them once they are arrested must be set up. Furthermore, we are determined that such a mechanism, which must be streamlined, efficient and economical, should allow for the management of residual functions, which must be maintained for the purposes of administrating justice in conditions of fairness and security. Finally, we believe that the United Nations should maintain ownership and control over the Tribunals' records.

In general, the EU believes that it is the duty of the United Nations to guarantee the integrity and continuity of the Tribunals' legacy. The completion of their work should in no way signal an end to their mission of spreading international justice and the principles that led to their creation: the rejection of impunity and the will for justice to be served.

Ms. Banks (New Zealand): I have the honour to speak on behalf of Canada, Australia and my own country, New Zealand — the CANZ delegations. At the outset, Canada, Australia and New Zealand wish to reaffirm their strong support for the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Both Tribunals have made and continue to make a significant contribution towards fulfilling our shared goal of ending impunity for genocide, crimes against humanity and war crimes.

The jurisprudence of both Tribunals forms part of their legacy, and one that other international criminal tribunals, including the International Criminal Court, as well as national courts, will continue to draw on for years to come. By bringing to justice the perpetrators of the most shocking crimes, the Tribunals have helped to strengthen the rule of law and promote long-term stability and reconciliation in the Balkans and in Rwanda, showing that peace and justice can indeed go hand in hand.

A key focus for both Tribunals now is the implementation of their completion strategies. The arrest of the indictees who are still at large is a crucial component of those strategies. We note with satisfaction that both Tribunals have secured further arrests during the course of the year, including, as reported by the President, the transfer of Radovan Karadžić to The Hague. We urge Member States to redouble their efforts to expedite the arrest and surrender of the remaining high-level fugitives, notably Ratko Mladić, Goran Hadžić and ICTR indictee Félicien Kabuga.

CANZ is encouraged by the commitment of both Tribunals to implementation of their completion strategies. We welcome the ongoing work on residual issues being done by both the Tribunals themselves and the Security Council's informal working group. We acknowledge the many and varied challenges those issues present. We also welcome the increased efficiency measures for the trial and appeal processes. At the same time, CANZ acknowledges the difficult balancing act that is required in order to wind down the operations of the Tribunals while still retaining sufficient staff capacity to deal with the remaining cases in a manner that is consistent with due process.

We note the additional workload placed on both Tribunals as a result of the recent arrests. For the ICTR, that has required an adjustment to the projected time frame for completion of its trials, with the result that the President asked the Security Council for a one-year extension. CANZ urges both Tribunals to continue to identify further reforms that will enable them to complete their work as efficiently and promptly as possible.

Referral of cases to national jurisdictions is another key component of the completion strategies. CANZ recognizes that there are a number of benefits to referring cases to the national jurisdictions where the crimes occurred, including the positive contribution domestic proceedings can make to national reconciliation processes. Accordingly, CANZ welcomes the referral of the remaining mid- and low-level accused in the ICTY to the courts of that region.

CANZ also welcomes the steps that Rwanda has taken over recent years to strengthen its national justice system and its capacity to prosecute serious crimes, including its abolition of the death penalty. We encourage Rwanda to continue its efforts and note that, while there has not been a referral to Rwanda yet, we hope that further progress will enable that in future.

As we approach the end of the mandates for the Tribunals, the international community will have to reflect on how to address the issue of the prosecution of those who are subject to outstanding arrest warrants. The main options include the referral and transfer to national jurisdictions, as well as the extension of the ICTR and ICTY mandates. The view of CANZ is clear — a strategy needs to be devised to ensure that impunity is not an option, as that would undermine the significant gains of the past two decades. Our overarching concern is to avoid impunity for those crimes.

CANZ welcomes the statements of both Presidents on the work that both Tribunals are doing on residual issues in the context of the completion strategy. A number of those require careful consideration. They include how to deal with the enforcement of sentences, the preservation and protection of archives, the monitoring of cases referred and issues relating to protected and relocated witnesses, as well as to possible future applications by convicted persons, for example, for review of their cases on the basis of newly discovered facts. Those issues present practical challenges that require the development of principled but effective mechanisms. CANZ encourages further discussion among the international community on the potential benefits of joint approaches to those residual issues for the ICTR, ICTY and other ad hoc international tribunals.

In closing, the ICTY and ICTR continue to contribute significantly to the fight against impunity. The successful completion of their work relies on cooperation and support from all States. We call upon States to give practical effect to their commitment to an effective system of international criminal justice. For our part, Canada, Australia and New Zealand will continue to offer the Tribunals our full support and cooperation in the closing but still vital stage of their existence.

Mr. Jurica (Croatia): At the outset, I would like to welcome the Presidents of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), Judge Pocar and Judge Byron, and thank them for presenting their respective reports (A/63/210 and A/63/209).

Fifteen years ago, the international community established those two ad hoc Tribunals with high expectations: to help bring about peace and end impunity, to bring justice to victims, and to provide a deterrent for future crimes. They have demonstrated that international criminal justice does exist and that it is inseparable from the values that the United Nations stands for. They were the precursors and inspiration for the establishment of the first permanent International Criminal Court. Their jurisprudence created a historical record, reaffirming our belief that there can be no peace without justice. Individual criminal responsibility is not an obstacle, but a catalyst to reconciliation. As

the President of the Republic of Croatia, Stjepan Mesić, has emphasized on many occasions, in order to avoid the notion of the collective guilt of nations, it is indispensable to establish individual criminal responsibility.

As the mandates of the two Tribunals are drawing to an end and we begin looking into the mechanisms that will allow a number of essential residual functions to continue after the conclusion of the trials, we have to be careful not to lose sight of the purpose for which they were established — to close the impunity gap. That is why the international community cannot afford to declare their mandates complete before every effort has been made to bring those most responsible to justice, however long that takes.

I would like to make a few specific remarks regarding the ICTY, given the importance my country attaches to the Tribunal's work.

The arrests this year of the fugitives Radovan Karadžić and Stojan Župljanin are of vital importance to completing the Tribunal's exit strategy and accomplishing the purpose for which the Tribunal was founded. We hope to see an early beginning of their trials. Without bringing to justice those most senior and most responsible for crimes committed in the wars against Croatia and Bosnia and Herzegovina, we cannot speak of completing the Tribunal's mandate. That is why it is crucial that the remaining fugitives, Ratko Mladić and Goran Hadžić, also face justice. We cannot accept that their impunity should outlive the existence of the Tribunal. Reasons of expediency should not be allowed to overshadow the fact that those two individuals, who have evaded justice for many years now, held the most prominent military and political positions — Mladić as the Commander of the General Staff of the Bosnian Serb Army and Hadžić as so-called President of the so-called self-proclaimed Republic of Serbian Krajina in Croatia — and that they have been indicted for some of the most atrocious crimes committed in post-Second World War Europe, namely, the massacres committed in Srebrenica and Vukovar.

Last week, the ICTY Appeals Chamber confirmed a 35-year sentence for Milan Martic, a former so-called President of the so-called self-proclaimed Republic of Serbian Krajina in Croatia, who was sentenced for war crimes and crimes against humanity perpetrated against the civilian population in Croatia.

The appeals proceedings with respect to the judgement rendered a year ago in the case of the so-called Vukovar Three — Radic, Sljivancanin and Mrksic — are still ongoing. Notwithstanding the understandable reactions of the victims' families and the general public in Croatia and elsewhere to the initial verdicts in that case, I would like to limit myself to expressing our hope that the appellate proceedings will hand down a just judgement that corresponds to the gravity of the crimes committed.

As the Prime Minister of Croatia, Ivo Sanader, said in this Assembly last fall, a year ago,

> "a just outcome of prosecution is the only way to discourage those who might consider repeating such crimes, today or in the future. Just punishment offers a measure of respect for the victims. Just punishment is the best deterrent. Just punishment also serves truth and opens the way for lasting peace, security and reconciliation". (*A/62/PV.25, p. 8*)

By the same token, credible justice must not leave any impunity gaps, and that is why it remains crucial that the Tribunal not close its doors before trying the remaining fugitives.

The war imposed on Croatia in 1991 has left a sad legacy of war crimes. The Croatian Government has invested serious efforts into prosecuting those crimes by adjusting its judicial structure and material laws, by continuously consolidating its judicial capacities and by strengthening cooperation with authorities in the region.

Croatia's judiciary has clearly demonstrated its ability to conduct trials in even the most sensitive cases, including the one case that was transferred to it by the ICTY. Similarly, Croatia's judiciary has developed an excellent working relationship with the Tribunal's organs, including the Transition Team within the Office of the Prosecutor on so-called Category II cases, as well as in ongoing domestic investigations and trials. We find that relationship to be of vital importance and we are confident that it will continue in the future.

Croatia is dedicated to and sincere in assisting and cooperating with the Tribunal to complete its mandate at an early date. Over the years, we have processed 804 requests for assistance from the Office of the Prosecutor and delivered tens of thousands of

documents, over 19,000 of which are from the Ministry of Defence alone, including those emanating from the highest-ranking military officials.

The Government's commitment to cooperating fully with the Tribunal remains strong and unequivocal. I can assure the Assembly that the Croatian authorities have and will continue to do everything within their competencies to ensure a prompt response to requests from the Office of the Prosecutor.

In that regard, let me clarify, with respect to paragraph 79 of the Tribunal's annual report (A/63/210), that the relevant Croatian authorities continue to work on the pending issue and expect to present the results shortly to the Tribunal. The Tribunal's decision of 16 September granted Croatia's request to continue its investigations in order to establish the existence of the documents sought by the Office of the Prosecutor, the Trial Chamber not being in a position to draw any conclusions as to whether such documents do exist.

In discussing the fifteenth annual report of the ICTY, I would like to draw attention to the issue of the serving of sentences. We find it difficult to justify the discrepancy that exists between the practice of the ICTR and that of the ICTY. Whereas the former concluded an agreement on the serving of sentences in Rwanda this year, the ICTY still does not allow for the possibility that sentences can be served in the country where the crime was committed. While we understand that such an approach may have been dictated by the security considerations prevailing at the time of the inception of the Tribunal, today, 15 years later, such practice seems outdated and is adversely affecting the humanitarian conditions of the sentenced persons and their families. I would like to repeat that my Government is ready to permit its citizens to serve their sentences in Croatia.

Ms. Juul (Norway): Let me start by expressing Norway's continuing support for and full recognition of the achievements and high standards of the International Criminal Tribunals for Rwanda and the Former Yugoslavia (ICTY), as reflected in the Tribunals' well reasoned judgements and the annual reports before us (A/63/209 and A/63/210). We would like to thank the Presidents of the two Tribunals, Judges Byron and Pocar, for their detailed and informative reports, which reflect the progress made during the period under review.

The work of the Tribunals has been crucial in advancing the cause of justice in Rwanda and the former Yugoslavia. Moreover, the Tribunals will leave a legacy of international jurisprudence that can guide future courts and deter the future commission of those grave crimes, as well as prevent impunity for potential perpetrators. As such, they are contributing to the development of international criminal justice and the fight against impunity for mass atrocities in general.

We commend both Tribunals for their commitment to adhering to the completion strategies, while ensuring that due process standards and fundamental legal principles are fully respected. The Rwanda Tribunal report (A/63/209) stresses that the success of the completion strategy will continue to depend on the support and cooperation of States. We fully agree and we appeal to all States to demonstrate their full cooperation with both Tribunals. As the work of the Tribunals is nearing completion, it is crucial that States give it their unreserved support.

We welcome the recent decisions of the Security Council to extend the terms of office of permanent and ad litem judges in order to enhance the effectiveness of trial proceedings and to contribute towards the implementation of the completion strategies.

It is of the utmost importance that all States honour their financial commitments and pay their assessed contributions on time. Furthermore, Member States must fulfil their obligation to arrest and transfer fugitives to the Tribunals without delay. We compliment the Prosecutors on their efforts to secure the arrest of remaining fugitives and we urge the involved States to cooperate fully with the Tribunals. We welcome the arrests of high-level accused during the period under review.

In particular, we welcome the arrest and transfer to the ICTY of Radovan Karadžić. That is important for the victims of the crimes and it will help to heal the wounds of the war in the Balkans. Radovan Karadžić's arrest and transfer to the ICTY are indeed a victory for international law, an important contribution to furthering justice, and a big step towards addressing the question of accountability for some of the worst atrocities committed in Europe since the Second World War, not least the Srebrenica massacre.

While noting the successes of both Tribunals, it is important to reiterate that the main mission of the Tribunals will not be fulfilled unless the highest-

ranking remaining indictees are brought to justice. It is not acceptable that perpetrators of serious international crimes are evading legal proceedings. The failure to arrest the remaining fugitives continues to be of concern to us.

Norway has entered into an agreement with the ICTY regarding the enforcement of sentences and cooperates closely with the Rwanda Tribunal in several fields. There is an urgent need for more States to enter into agreements regarding the enforcement of sentences. It is unreasonable that only a few Member States should shoulder that important responsibility. We therefore commend the conclusion of new agreements by the ICTY, as mentioned in the report, and look forward to more agreements being concluded.

We strongly support the Tribunals' external activities and their involvement and cooperation with local judiciaries. As noted in the ICTY report, an active engagement with local judiciaries will help to ensure that local courts have the capacity to continue the Tribunal's work in the future, thereby ensuring the preservation of its legacy through the prosecution of war crimes cases by domestic courts.

Another important aspect we would like to highlight is the work being done through outreach activities. The report of the Rwanda Tribunal gives a detailed account of such activities, which we regard as an invaluable part of the Tribunal's work.

All States must honour their international obligation to cooperate with requests for full and effective assistance to the Tribunals. That applies with regard to witnesses, financial and material support and practical assistance in the enforcement of sentences. All States should demonstrate their commitment to the Tribunals by means of resolute and concrete action.

Norway will stand by our long-term commitment to the successful completion of the mandates assigned to the two Tribunals by the Security Council.

Mr. Jevremović (Serbia): Before I proceed, I would like to express my appreciation and gratitude to Mr. Fausto Pocar, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), for presenting the fifteenth annual report of the Tribunal (A/63/210) to the General Assembly.

The Republic of Serbia is fully committed to honouring its international obligations and, during the reporting period, continued to provide adequate responses in several areas of cooperation. In May 2008, the Government adopted a framework for future cooperation with the ICTY and, in compliance with its provisions, two of the most wanted remaining fugitives, Stojan Župljanin and Radovan Karadžić, were arrested by Serbian authorities and transferred to the detention unit of the Tribunal in June and July 2008, respectively. The National Security Council of Serbia, the Action Team in charge of tracking fugitives and the Office of the War Crimes Prosecutor played a central role in the arrests, as stated in the report.

Furthermore, during the reporting period, Serbia once again demonstrated its capacity to take action at critical moments. It also cooperated by granting waivers to all persons requested by the Tribunal and provided thousands of documents from the archives — including classified documents — related to ongoing cases. At the same time, exchanges of visits by top officials between Belgrade and The Hague have become a regular practice. It is also important to point out that persons who took part in the sheltering of fugitives have been identified and prosecuted by the Serbian authorities. Those are considerable achievements, accomplished through much hard work and dedication.

The new Government of Serbia is fully determined to honour its commitment to bring to justice all indicted individuals by transferring them to the Tribunal and trying them in domestic courts. In that context, my country also recognizes the efforts of the new Prosecutor, Mr. Serge Brammertz, appointed in January 2008, in securing the arrests of the remaining fugitives in close cooperation with Serbian authorities. The Action Team of Serbia continues to the maximum to carry out its operations to track down the fugitives, which gives us every reason to believe that Ratko Mladić and Goran Hadžić, the two remaining indictees, cannot continue to hide forever and that they will soon be apprehended and transferred to the Tribunal.

Successful completion of its cooperation with the Tribunal is one of the most important objectives of the new Serbian Government. After all, it is in the interest of the people of Serbia to complete that cooperation swiftly and effectively. Serbia supports the completion strategy of the ICTY, defined in Security Council resolutions 1503 (2003) and 1534 (2004). We believe that the basic precondition for the success of the strategy is the capacity of domestic courts to process the cases transferred to them by the ICTY in accordance with international legal standards. It is only

through joint cooperation that we shall be able to carry through the completion strategy by 2010. In that regard, I would like to point out that the issues related to residual mechanisms are very important and complex and that they require in-depth discussion by experts within the relevant bodies of the General Assembly.

However, problems and challenges remain. If we are to overcome them, satisfy justice and uphold the rule of law, we must address the crucially important issue of witness protection. Serbia has done its best to protect witnesses and has acted on each of the requests of the Office of the Prosecutor. Accordingly, the Serbian War Crimes Prosecutor has facilitated the testimony of witnesses and has, on several occasions, protected those who had received threats. The report concludes that interference with witnesses, particularly in the form of witness intimidation and their growing failure to appear voluntarily to testify, remains a grave concern. My country is also seriously concerned by the inability — or even flat refusal — of some countries and organizations to provide witness protection and prevent the disappearance of potential witnesses. We therefore call for international cooperation to redress the situation, even at this late stage.

In conclusion, I would like to express my hope that cooperation between the countries concerned and the Tribunal will continue and conclude successfully, to the benefit of overall regional reconciliation.

Mr. Muchemi (Kenya): I wish to express my appreciation to you, Mr. President, for the able manner in which you continue to guide the deliberations of the Assembly.

At the outset, I wish to thank the Presidents of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) for their comprehensive annual reports, submitted to the Assembly in conformity with the respective Statutes establishing the Tribunals.

My delegation appreciates the work of both Presidents and the competent manner in which they have continued to manage the affairs of the Tribunals. We note the progress of their work in the cases already handled and express optimism regarding the conclusion of the pending cases. We are grateful for the extension of the Tribunals' mandates for a further period of one year to enable them to complete their work in a proper manner. We note that achieving a sustainable and long-term mechanism for addressing, inter alia, the transfer and trial of remaining Tribunal cases, the pursuit of fugitives, the monitoring of sentences and the management of archives is a challenge to be overcome.

Kenya strongly supports the international criminal justice system. We recognize that Tribunals must provide and protect the proper administration of justice by prosecuting those who promote impunity. Similarly, the cooperation of Member States is critical if the courts are to succeed in restoring justice, securing peace and preventing the possibility of future mass atrocities. Kenya is prepared to do its part.

Permit me to express my delegation's views regarding a matter that was reported to the Security Council in June 2008 concerning a fugitive who is wanted by the ICTR for prosecution. The Prosecutor of the ICTR, Mr. Hassan Jallow, drew attention to the case of Félicien Kabuga, who, among other indictees, has not been apprehended to face justice. In his statement, Mr. Jallow alleged that there had been several reported sightings of the fugitive in the territory of Kenya, thereby alluding to his presence in my country. Those remarks are of grave concern to my delegation.

In that regard, I listened carefully to the statement by the representative of France on behalf of the European Union and wish to reassure the Assembly of the unwavering commitment of my Government to cooperate with the Tribunal in all respects.

I would like to reiterate that, in the Kabuga case, my Government has fully cooperated with the ICTR officials, as called for by the United Nations Security Council, in trying to trace Mr. Kabuga for the purpose of bringing him to justice. For the past three years, the Government of Kenya has been engaged with the Prosecutor's Office, largely through the Joint Kenya-ICTR Task Force. Further, in demonstrating our commitment to the cause of the Tribunal, in May 2008 the Government obtained an order from the High Court of Kenya freezing property belonging to the estate of Mr. Kabuga. That case is still pending before our courts in Kenya.

In conclusion, I wish to assure you, Sir, of my delegation's continued commitment to the high ideals of international criminal justice and the eradication of impunity. Kenya will continue to implement the recommendations of the Joint Kenya-ICTR Task Force.

Mr. Nsengimana (Rwanda): My delegation wishes to thank you, Sir, for this opportunity to address the General Assembly on the important issue of the International Criminal Tribunal for Rwanda (ICTR). My delegation also expresses its thanks to the Secretary-General for his report and to Justice Byron for his presentation (A/63/209).

The crimes falling under the ICTR's mandate were committed in Rwanda, mostly by Rwandans and against fellow Rwandans. That makes Rwanda the most responsible and concerned State in the pursuit of justice for those crimes. In that regard, Rwanda finds it imperative that it participate fully in the determination of matters pertaining to the Tribunal, particularly the completion process. We have continued to improve our institutional mechanisms for cooperation with the Tribunal to keep pace with the completion process and the associated cooperation challenges. We are happy to inform the Assembly that, to date, we have been able to handle all requests made by the various organs of the Tribunal.

In resolutions 1503 (2003) and 1504 (2003), the Security Council directed the two Tribunals to wind up their activities within specified deadlines. Resolution 1503 (2003) further directed that the middle- and low-ranking cases be transferred to national jurisdictions, including Rwanda. As a matter of State responsibility, Rwanda began close consultations with the Tribunal and set the ground for receiving and conducting the trials of some of the cases that may be transferred from the ICTR.

A comprehensive piece of legislation was passed in March 2006 to govern the transfer of cases from the ICTR or any other State to Rwanda. The law provides sufficient guarantees for a fair trial. It was specifically drawn up on the Tribunal's rules of procedure and evidence, as well as other best practices recognized and applied by the Tribunal. The law allows the Tribunal to monitor trials and recognizes the Tribunal's primacy and right to recall the transferred case.

Modern court rooms have been prepared. For the past two years, a joint programme has been running between the ICTR and Rwanda, under which we have conducted familiarization and interaction visits between the Tribunal and Rwanda, together with workshops for judges, the prosecution, the bar and staff. A modern holding cell has been constructed in Kigali to accommodate ICTR detainees who would be appearing in court.

In the same way, an agreement for the transfer of those convicted by the Tribunal to Rwanda was signed on 4 March 2008. The agreement is founded on the requirement provided for under the ICTR statute to have sentences served in Rwanda. We have a modern correctional facility that is intended to accommodate those from Arusha who have been convicted by the ICTR, as well as those accused by the ICTR who may still be convicted.

Both the Prosecutor and the Tribunal's Registrar have conducted a series of visits to Rwanda to verify Rwanda's readiness and willingness to receive the outstanding workload from the ICTR. They have expressed their satisfaction with the level of compliance with the internationally recognized standards and norms attained by Rwanda's judicial institutions.

We were able to make all those preparations with the support of numerous members of the international community. That results from the fact that Rwanda has a shared interest with the Security Council in ensuring a smooth process of winding up the ICTR.

The fugitives still at large are not limited to the 13 appearing on the Tribunal's list. We have repeatedly appealed to the Security Council to see that the conclusion of the ICTR mandate does not become an amnesty to those not included on the Tribunal's condensed list. My Government appreciates the efforts of some Governments that have apprehended some of the fugitives. The proceedings for their extradition to Rwanda are under way, which is largely a result of the judicial sector reforms and capacity development evident in Rwanda, as previously stated.

Rwanda's commitment to comply with international standards of fair trial and judicial independence is unquestionable, as it is central to my Government's policy, founded on our continued fight against impunity. We have registered significant progress in that important aspect. The progress registered meets the requirements inherent in the Tribunal's completion process. Since May 2007, the ICTR Prosecutor has filed five requests for transfer of cases to Rwanda for trial. The five referral applications have been processed, and many of them were denied referral to Rwanda.

In spite of these efforts, my country is seriously concerned about the direction that the issue of the referral of cases is taking. We are particularly concerned that this process has the potential to undermine the trust and reputation we have painstakingly built. It is this trust and confidence that has led certain Governments to apprehend some of the fugitives found in their respective territories.

Our achievements in judicial reform are not intangible; they are very visible. Our participation in the completion process is in response to a call; it is not a public relations exercise. We must be judged on the basis of our conduct and our policies, not on the basis of presumed future misconduct. We expect and hope to inherit from the ICTR a legacy that complements our efforts. What we are looking for is a legacy that supports the growth of our institutions.

In 1999, Rwanda protested conduct of the Court in the case of Barayagwiza, who was eventually convicted by the ICTR, through to the appellate level. The ICTR has since then handed down five acquittals; this has not raised any protest from Rwanda. The Tribunal finally chose to refer the 1999 incident, but it kept silent on the subsequent acquittals in order to portray Rwanda as a country that is opposed to acquittals. We view that as a serious misinterpretation and one without basis. We denounce the message in the ruling that portrays our system as one that cannot be trusted, because the ultimate beneficiaries of that trend are fugitives still at large. Unless the Chamber is not aware of the regard and esteem it ought to attract, the ruling amounts to an invitation to States not to cooperate with us. We are informed that the ICTR Prosecutor intends to appeal the decision and we will continue to follow developments in the case with interest.

Rwanda is committed to upholding justice and ending impunity. It is therefore incumbent upon the Security Council and the General Assembly to establish support mechanisms to bolster Rwanda's efforts. Under such mechanisms, issues related to post-ICTR residual functions could be addressed.

At this juncture, Rwanda still believes that the major interest shared with the General Assembly is to find an amicable conclusion to the ad hoc mandate of the Tribunal. In this period, we need a more sustainable and long-term mechanism between States Members of the United Nations and the Government of Rwanda, under which the key issues — particularly the transfer and trial of all remaining ICTR cases, the pursuit of fugitives at large, the monitoring of service of sentences and the management of archives — would be addressed. We need a mechanism to ensure that the set goals do not shift gradually. We need to guard against endless faits accomplis. It is through such a mechanism that we can have a smooth and effective completion process.

As pointed out previously, in March of this year Rwanda signed an agreement on the service of sentences. We have completed all the arrangements for having all the convicts sent to Rwanda to serve their sentences. There is no legal or administrative ground for the failure or delay in having the convicts sent to Rwanda to serve their sentences.

The issue of the transfer of archives to Rwanda remains pending. Consultations have been ongoing with the team designated to study and make recommendations on the matter. We reiterate our desire and readiness to take full custody of the archives. Given that this undertaking is a crucial one, the earlier formal discussions can begin the better.

I thank the President of the General Assembly, the European Union and all other States for their support for the ICTR and for Rwanda.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to the leadership of both Tribunals for the annual reports submitted on the work of these bodies.

First of all, allow me to recall that the Tribunals were established by the Security Council in specific historical circumstances as a temporary measure aimed, inter alia, at restoring and maintaining peace in the regions as well as combating impunity in a situation of the inability of the legal systems of the States concerned to act.

It is now self-evident that there has been a substantive change in these circumstances and that the term set for these bodies is expiring. The primary goal of the Tribunals is the timely completion of pending cases regarding the highest-level leaders suspected of being most responsible for crimes. In accordance with Security Council resolutions 1503 (2003) and 1534 (2004), the other cases must be referred to national jurisdictions.

We take note of the progress achieved in that respect by the International Criminal Tribunal for Rwanda (ICTR), which is focusing its efforts on the two aforementioned issues. We consider the Tribunal's measures on referral of a number of cases to national jurisdictions to be of the utmost importance, and we welcome the active steps undertaken by the Prosecutor in this regard.

The report of the Rwanda Tribunal (A/63/209) has a straightforward manner of providing information on progress achieved here. The implementation of the completion strategy is declared to be the major goal of the Tribunal, and statistical data on the status of cases pending before the Tribunal is included in the summary.

Regarding the International Criminal Tribunal for the former Yugoslavia (ICTY), as we see it, its leadership is losing sight of the parameters prescribed for the work of the Tribunal. Indeed, in the entire report (A/63/210), there is no section entitled "Completion strategy". Progress in cases pending must be deduced by comparing several reports. Instead, there is an extensive section on the so-called diplomatic activities of the ICTY — which, in fact, go beyond its mandate — and the report complains about the level of cooperation on the part of States. Here, we should like to note the arrest of the indictees Župljanin and Karadžić, which demonstrates a high level of cooperation with the Court.

The report cites no measures related to the closing of the Tribunal. In addition, a claim is made that all ICTY indictees should be tried by that organ and should not be referred to national jurisdictions. In our view, that policy reflects mistrust in the national judicial systems of the Balkan States and contradicts Security Council resolutions 1503 (2003) and 1534 (2004). Only a few of the ICTY indictees listed can be characterized as the most senior leaders suspected of being most responsible for crimes; more often, those in question are middle- and low-ranking military commanders.

Furthermore, we wish to emphasize that our position of principle that States bear primary responsibility for bringing to justice perpetrators of war crimes and other serious international crimes remains unchanged. International criminal courts have only a supplementary role to play, since they cannot replace national judicial systems.

Yet another issue that is not addressed in the report is the Tribunal's shortcomings in the area of witness protection. Unfortunately, the inadequacy of the measures taken in that regard contributed to a virtual failure in the important case of Haradinaj and led to the acquittal of quite a few other accused or to their receiving ridiculous sentences.

In conclusion, I should like to emphasize that the deadlines set out in the completion strategy are fast approaching. The Tribunals have already acknowledged their inability to meet the first deadline — completion of the cases before the Trial Chamber in the first instance by the end of 2008 — and, at their request, the Security Council and the General Assembly have extended the mandates of the Tribunals' judges until the end of 2009. We wish to reiterate that that step is an exceptional measure that, we expect, will enable the Tribunals to focus their efforts on priority goals and to complete their work on time. We believe that the Council will very soon be able to establish a mechanism for carrying out the Tribunals' residual functions after their closure.

Mr. Maqungo (South Africa): My delegation wishes to thank Mr. Fausto Pocar, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and Mr. Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR), for their statements introducing the reports of their respective Tribunals.

My delegation commends both Tribunals for the steps they are taking to ensure that they achieve their completion strategies. In particular, we welcome the measures taken to increase the efficiency of the Tribunals in processing trials by holding a high number of trials simultaneously, to amend their Rules of Procedure and Evidence for the purpose of expediting proceedings and to make optimum use of ad litem judges.

The completion strategies are time-bound. Therefore, notwithstanding the steps that the Tribunals are taking to increase efficiency, their cases will, owing to the passage of time and the inability to carry out arrests within the lifetime of the Tribunals, have to be referred to national jurisdictions. Thus, referrals to national jurisdictions are central to achieving the completion strategies set out in resolution 1503 (2003) and 1534 (2004).

To that end, we commend the various countries that have accepted cases from the Tribunals. However, we are particularly keen to see that the countries in which the crimes were committed assume the responsibility of accepting referrals from the Tribunals. In that light, we are particularly disappointed that the Chamber of the International Criminal Tribunal for Rwanda has to date declined the Prosecutor's request to refer three cases to Rwanda. Having heard the statement of the representative of Rwanda regarding the steps that that country has taken and the interaction that is taking place between it and the ICTR, it is our hope that there will be a careful study of that finding of the Tribunal so that the necessary adjustments can be made at the national level to enable referrals to take place in the future.

We therefore welcome any effort to provide technical assistance to Rwanda and the countries of the former Yugoslavia to enable them to absorb cases from the Criminal Tribunals and related cases. We strongly believe that justice sector reform is a critical element of post-conflict reconstruction and that it contributes to security sector reform.

With regard to both Tribunals, there are indicted persons still at large, some of whom are particularly high-level accused or are alleged to have committed crimes that should be dealt with at the international level. For example, we have been advised that, in relation to the ICTR, there is a fugitive, Félicien Kabuga, and in relation to the ICTY there is Ratko Mladić. It is important that those fugitives be swiftly brought to justice, and we call for full cooperation with the Tribunals with a view to their arrest and surrender for trial.

The fact that the Tribunals are working towards completing their work means that we must ensure that they continue to receive sufficient resources to enable them to complete their work on time. We must ensure that the Tribunals are able to retain the judges and other staff necessary to complete their work on time, consistent with the relevant Security Council resolutions.

As States, we must continue to extend cooperation with regard to the travel of witnesses, the arrest and transfer of accused and the resettlement of individuals acquitted by the Tribunals. Furthermore, we need to address the issue of the legacy that will be left by the Tribunals and to ensure that we preserve their achievements. The Tribunals were established by the Security Council in keeping with its responsibility to maintain international peace and security. Therefore, as we consider their legacy and achievements, we have to measure them by the extent to which they have contributed to the maintenance of international peace and security. We in South Africa believe that the Tribunals have made an immense contribution to stability and peace, both in Rwanda and in the former Yugoslavia.

However, there will continue to be ongoing work to consolidate those achievements and to ensure the preservation of the Tribunals' legacy. That work includes ensuring that the passage of time does not result in impunity for any fugitives. Therefore, an international mechanism for prosecuting the few high-level fugitives still at large will have to be established after the work of the Tribunals has been completed. It is also important that the archives of the Tribunals be preserved and stored in a place where future generations, particularly in the affected countries, can have access to them and draw lessons from the work of both Tribunals.

The Acting President: We have heard the last speaker in the debate on these agenda items.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 67 and 68?

It was so decided.

Agenda items 10 and 101 (*continued*)

Report of the Peacebuilding Commission

Report of the Peacebuilding Commission on its second session (A/63/92)

Report of the Secretary-General on the Peacebuilding Fund

Report of the Secretary-General on the Peacebuilding Fund (A/63/218 and Corr.1)

Mr. Muñoz (Chile) (*spoke in Spanish*): I would like to thank the President of the General Assembly for convening this meeting on the second report of the Peacebuilding Commission. We would first like to thank Ambassador Yukio Takasu of Japan for his valuable work in his capacity as Chairman of the Commission. The text of the second report reflects the quality of his work and that of the Chairpersons of the country-specific configurations and the Working Group on Lessons Learned. I also want to extend my congratulations to

the Peacebuilding Support Office, the efforts of which continue to be fundamental in achieving the objectives of the Commission.

Chile, while reiterating its commitment to the work of the Peacebuilding Commission and its programmes, wishes to state that a mission from Chile is currently underway in Sierra Leone to explore a programme of cooperation in the areas of education and small business, in collaboration with the United Nations Development Programme (UNDP). That is in addition to Chile's direct contributions to the Peacebuilding Fund.

We want to underline the synergy that the Chairperson of the Peacebuilding Commission and the Chairpersons of the various configurations have established with the private sector. The effective participation of the private sector in the peacebuilding processes undoubtedly helps in the creation of jobs and the efficient demobilization of those who once took up arms, in particular young people.

In that context, we have welcomed the strengthening of the linkages between the Peacebuilding Commission and international economic and financial institutions, in particular the International Monetary Fund and the World Bank.

We are pleased that the Peacebuilding Fund has more than met its original goal of $250 million. The Fund has an essential role to play in the countries' reconstruction. However, over the past two years, we have witnessed the need for greater coordination between the Fund and the Secretariat. The delegation of Chile supports the suggestion by the Chairman of the Commission to establish objective criteria for the selection of countries to be assisted by the Fund.

I would like to reiterate that the Peacebuilding Commission should not be perceived as yet another development agency. It is a commission aimed at helping to identify national priorities and at combining, mobilizing and giving advice on the economic, financial and political forces at play in order to promote the integral reconstruction of countries emerging from crisis.

The work of the Commission should, of course, show clear results for the population of the countries concerned. In that respect, education, support for small and medium-sized businesses and the strengthening of government institutions are fundamental for lasting peace and efforts in those areas must go beyond quick-impact projects.

I want to once again emphasize the great potential of regional organizations in their joint efforts with the Peacebuilding Commission, as in the case of the concrete support lent to efforts for peacebuilding by the African Union.

As the Chairperson of the Peacebuilding Commission has said, the Commission is a new organ, and is still evolving. It requires fine-tuning and better coordination between the Peacebuilding Support Office, the Organizational Committee and the country-specific configurations, taking into consideration the fact that our workload has increased significantly, which complicates efficient and timely coordination. We should also be aware of the challenge of deploying the Commission on the ground in the context of the ongoing efforts on system-wide coherence and the vision of attaining "One United Nations".

In addition, the evolution of the Peacebuilding Commission should take into account the aspiration for adequate representation that Latin America and the Caribbean region have had since the Commission's creation. That aspiration was emphatically highlighted by the former Permanent Representative of Colombia in 2006, in her capacity as President of the Group of Latin American and Caribbean States, when the Commission was established. At that time, Latin America and the Caribbean agreed to be underrepresented, in terms of the representation they justly aspired to, but only in order to avoid blocking the establishment of the Commission. However, we believe that now is the time to find a definitive solution to that anomaly, and we trust that that will happen well before the end of the year.

The Peacebuilding Commission should not work above the Member States but work alongside them, with a comprehensive vision through which to confront the challenges of national ownership. We should take a long-term view of the matter and consider, for example, if the Commission could bring about the establishment of a collaborative team of civil experts who would be able deploy rapidly to the countries entering the peacebuilding stage, within the framework of the Commission. In that way we would be able to provide much greater assistance to those countries.

Lastly, I would like to call for continued efforts aimed at achieving sustainable peace, stability and

development in countries in which the Peacebuilding Commission could make a real contribution to confronting future challenges.

Ms. Gash (Australia): Australia remains a strong supporter of the Peacebuilding Commission. Its establishment in 2005 filled a significant institutional gap in the United Nations system in terms of assisting post-conflict States to consolidate peace and commence the task of rebuilding.

At the outset, allow me to congratulate Ambassador Takasu of Japan, whose enthusiasm and leadership as Chairperson of the Commission have helped it to start to fulfil its potential. The future success of the Commission will depend in no small part on the kind of sustained and active engagement demonstrated by Ambassador Takasu and other chairs of the Commission. We also welcome the recent appointment of Jane Holl Lute as Assistant Secretary-General for Peacebuilding Support, and we look forward to working with her in the coming years.

The annual report of the Peacebuilding Commission illustrates both how much has been achieved and how much still remains to be achieved. In the past 12 months, the Peacebuilding Commission has moved beyond initial procedural difficulties, which dominated its formative stages, to develop more effective working methods. The agenda has now expanded, with the inclusion of Guinea-Bissau and the Central African Republic, reflecting a growing appreciation of the valuable role the Commission has to play in helping countries transition out of conflict situations. Relations with United Nations partners, international financial institutions and regional organizations have improved and deepened. The Commission has also tackled important substantive issues, including the role of the private sector, youth employment, transitional justice, gender and the environment in peacebuilding efforts.

The results of that progress are clear. Strategic frameworks have now been adopted in partnership with Burundi, Sierra Leone and Guinea-Bissau. Through the Peacebuilding Fund, $86 million has been allocated to peacebuilding projects in countries on the Commission's agenda.

Australia supports the use of the Peacebuilding Fund as a catalytic tool to ensure the immediate release of resources to launch peacebuilding activities. Further efforts are required to strengthen processes to ensure that the Peacebuilding Fund can deliver peace dividends in a timely fashion. We are equally encouraged that bilateral and multilateral donors have supplemented those efforts with targeted assistance and technical expertise to generate more sustainable development.

Equally importantly, the Commission continues to work in a flexible and innovative manner. Visits by the Chairs have established strong connections with national stakeholders and provided a timely way to respond to events on the ground. Similarly, the creation and implementation of monitoring mechanisms provides a useful way to maintain focus on peacebuilding efforts in the medium term. Increasingly sophisticated mapping exercises are also generating better information about existing gaps in international assistance.

Australia welcomes those developments. They demonstrate that working in a spirit of partnership, guided by the principle of national ownership, the Peacebuilding Commission has the potential to help States emerge from conflict.

While much has been achieved, the challenges ahead are significant. As the Peacebuilding Commission accepts new countries, the demands on its time and expertise will increase. Current efforts to streamline its work are welcome and necessary, but the Commission will have to continue to refine its approach. It is important that lessons learned be applied to new countries as they are added to the agenda.

The Commission, and in particular the country-specific configurations, must work to improve the tools that have been developed so far. Monitoring mechanisms must be refined to include specific indicators and benchmarks. Strategic frameworks should continue to adapt to local conditions and strive to avoid duplication of existing efforts. The link between good strategy and tangible results on the ground must remain a focus.

Over the past two years, the Peacebuilding Commission has begun to build a valuable record of practice. As the central peacebuilding institution within the United Nations system, the Commission must make sure that concrete experience with such issues as elections and land reform is translated into a wider body of knowledge to inform future efforts.

In closing, it is worth noting that the path from conflict to peace is not always smooth. More than half of States emerging from conflict relapse within 10 years. The demands of peacebuilding vary from case to case, but are invariably complex and interrelated. They demand a willingness to work together, to innovate and to redouble our commitment in the face of setbacks.

Two years after its establishment, it is too early to judge the Peacebuilding Commission. However, there is reason for optimism. The modest progress made to date is a solid foundation on which to build. Australia looks forward to working with the Peacebuilding Commission as it further develops its ability to assist post-conflict States.

Mr. Ebner (Austria): Austria welcomes this opportunity to discuss the second annual report of the Peacebuilding Commission (A/63/92) and the report of the Peacebuilding Fund (A/63/218).

Austria fully aligns itself with the statement that was delivered by the representative of France on behalf of the European Union on this item. I will therefore limit myself to the following few points.

Two years after the Peacebuilding Commission became operational, it may be too early to make a final assessment, but it can be said that the Commission has definitely made important contributions to post-conflict peacebuilding in the countries on its agenda. Beyond the actual cases on its agenda, the discussions in the Commission and on Integrated Peacebuilding Strategies have contributed to the development of new partnerships and a whole new methodology. By engaging a wide range of stakeholders in New York and in-country, the new methodology is based on the active involvement of all concerned — ownership and commitment by national actors coupled with a reciprocal commitment by outside partners to support the process of peacebuilding in a given country.

At the same time, the experience of the first two years seems to suggest that in its next sessions the Commission will also have to focus on ways to make its own work more efficient and effective. Otherwise, the inclusion of new countries on its agenda might lead to paralysis in the Commission's workings.

Building on the experiences of the past two years, Austria recently invited a number of ambassadors, representatives of international organizations and think tanks, and independent experts to a three-day retreat in Alpbach, Austria. In an informal setting under the Chatham House Rule, participants were able to hold discussions in several working sessions under the general topic of "Strengthening United Nations peacebuilding: creating resilient societies". The concept of resilience as the ability of societies to withstand external shocks and deal with them without falling into armed conflict was widely acknowledged as an important contribution to the further development of peacebuilding as a concept. Also, participants agreed that the regional dimension of peacebuilding warranted particular attention, since conflicts are often intertwined.

Furthermore, Austria attaches special importance to the systematic integration of a gender perspective into all aspects of the work of the Peacebuilding Commission. We believe that gender-specific responses to the challenges to peacebuilding and the systematic participation of women in all aspects of peacebuilding processes are prerequisites for the success and long-term sustainability of peacebuilding efforts. In that context, Austria welcomes the presidential statement of the Security Council on mediation and the settlement of disputes.

Austria appreciates the important role played by the Peacebuilding Support Office since the establishment of the Peacebuilding Commission. Despite difficult circumstances in the beginning, the Office has helped to successfully steer the Commission through its first two years. We commend the former head of the Office, Assistant Secretary-General Carolyn McAskie, for her invaluable contributions and for her leadership in the start-up phase of the Commission and the Office. At the same time, I would like to extend a warm welcome to Assistant Secretary-General Jane Holl Lute. She will have the important task of ensuring that the Office can indeed strengthen its ability to deliver substantial and systematic support for the work of the Commission, both in preparing for and servicing the work of the Commission in New York and in supporting the implementation of agreed peacebuilding strategies in-country.

In order to enable the Peacebuilding Support Office to fulfil all those tasks, Austria has decided to support its crucial work by financing the position of a Junior Professional Officer for the next two years. We hope that that contribution will help in strengthening the capacities of the Office.

Finally, Austria views the Peacebuilding Fund as an important building block in the United Nations peacebuilding architecture, with the potential to act in new and innovative ways where other funding mechanisms are not available. That is why we have made contributions to the Peacebuilding Fund every year since 2006. Our contributions total some $2.1 million to date. The Fund has already made a difference in a number of instances, both in countries that are on the agenda of the Commission and in some that are not.

At the same time, the experience of the first two years of Fund operations clearly shows that there is ample room for improvement in the Fund's workings. As the European Union presidency underlined, improving the efficiency of Fund management and its ability to produce quick results on the ground are key to the Fund's success. Austria welcomes the active role played by the Peacebuilding Fund Advisory Group and looks forward to the recommendations that will emanate from the ongoing review by the Office for Internal Oversight Services on how to strengthen the operations of the Fund and its accountability.

Mr. Ehouzou (Benin) (*spoke in French*): My delegation would like to thank the President of the Assembly for having convened this meeting to consider the reports submitted by the Chairman of the Peacebuilding Commission (A/63/92) and the Secretary-General on the Peacebuilding Fund (A/63/218). We have taken due note of the two reports, which provide us with information on the progress made by those two bodies during their second session.

My delegation is gratified to note that the two bodies are fulfilling their raison d'être. The work of the Commission has made it possible to establish a coherent framework for an effective partnership of national stakeholders with the international community in order to implement sustainable transformation in countries emerging from conflict.

Within that framework, the Peacebuilding Commission has developed a wide range of activities that have contributed to the drawing up of coherent recovery and resource mobilization strategies to promote the national priorities highlighted by the countries themselves. Having drawn up a Strategic Framework for Peacebuilding for Burundi and Sierra Leone, the Commission has now done so for Guinea-Bissau. That opens the way for the mobilization of the resources required to facilitate a normalization of the situation. It is in that context that free and transparent elections will be held, significant domestic resources mobilized, the judiciary strengthened and the country's resilience to ever more alarming threats of destabilization looming over the nation in the area of security and health will be reinforced.

All of those measures must contribute to strengthening the State in its sovereign functions so that it can create conditions conducive to a lasting peace. We must emphasize the need to further focus urgent action on the most critical needs impacting the daily lives of people. In that respect, we cannot underestimate the importance of mobilizing resources to make the investments necessary to strengthen human resources and to establish or rebuild infrastructure vital to the proper functioning of a peacetime economy.

Beyond the focus on institutions that make up the backbone of the State, the Commission's capacity to promote synergy must also be strengthened so that the resources mobilized can have the maximum impact in terms of improving the living conditions of the peoples of countries emerging from conflict.

In that sense, the role of the Peacebuilding Fund is crucial. We are grateful to the Secretary-General for the disbursements made from the Fund for quick-impact projects and to finance transitional programmes. However, we must note that such disbursements are not always linked to specific actions decided on within the Strategic Framework for Peacebuilding. We would therefore underscore the need for closer coordination between the implementation of the Strategic Frameworks and the interventions of the Peacebuilding Fund. We pay tribute to the donor countries that have contributed to the Peacebuilding Fund. They have made it possible to operationalize that important instrument.

We also welcome the extremely wise use that the Secretary-General has made of his prerogatives, which has allowed such countries as the Comoros, Côte d'Ivoire, Guinea, Liberia and Nepal to benefit from the resources of the Fund. The Fund has breathed new life into those countries in order to help them avoid considerable upheavals that could be highly damaging to their stability.

While encouraging the Secretary-General in that opportune role, there is also reason to strengthen the capacity of the Fund to act more quickly in making emergency assistance available. The effectiveness of

such actions could be even greater in the case of imminent threats to peace caused by economic difficulties in countries that are extremely fragile.

In that respect, my country emphasizes the important role of the Peacebuilding Commission Working Group on Lessons Learned. Its analytical conclusions and recommendations must be widely publicized and integrated into the work of the agencies of the United Nations system working in the least developed countries. The Commission must also use the Working Group to hone the concept of the Integrated Peacebuilding Strategy, both to coordinate the efforts of the various partners and to provide for a division of labour on the ground based on the known comparative advantages of public and private stakeholders alike.

The Organizational Committee, the members of which constitute the core of the country-specific configurations of the Commission, must refine its analytical capacity in order to strengthen its role in carrying out the Commission's functions. Particular importance should be devoted to the follow-up to the implementation of the agreed Strategic Frameworks for Peacebuilding. The follow-up mechanisms must work systematically.

My country made a major contribution to the debates on the structure of the Commission. It intends to present its candidacy during the forthcoming elections in order to play a more active role in the activities of the Commission and to share with the international community its national experience in the area of peacebuilding and in the establishment of viable institutions that promote and strengthen democracy.

Ms. Plaisted (United States): Today's discussion of the annual reports of the Peacebuilding Commission (A/63/92) and the Peacebuilding Fund (A/63/218) brings to a close the second year of activity of the Peacebuilding Commission. In our view, the Peacebuilding Commission is beginning to find its place within the United Nations and contribute to the international community's response to the many challenges faced by post-conflict countries.

The Peacebuilding Commission has achieved tangible results in the countries on its agenda. In Sierra Leone, the collaborative effort led by the Government and the Peacebuilding Commission has resulted in a Strategic Framework for Peacebuilding that is encouraging the entrance of new donors. In Burundi, the Peacebuilding Commission process has encouraged national dialogue among all stakeholders on the difficult and sensitive issues that underlie recurring instability and conflict. In Guinea-Bissau, the Commission's presence in-country has led to additional resources being made available for the reinforcement of the United Nations country team and to further attention being paid to regional strategies for combating drug trafficking.

In our view, the task of the Peacebuilding Commission in the coming year will be to sustain those accomplishments and extend them to all of the countries on the Peacebuilding Commission's agenda. The Commission must be able to consistently muster additional international resources for all of the countries on its agenda.

The Commission will need to better reach out to international peacebuilding expertise outside of the United Nations and find ways to scale up existing programmes that represent best practices. The Commission will need to find its voice in encouraging the formation of integrated missions and better coordinated planning among United Nations funds and programmes. An important albeit technical task for the Peacebuilding Commission will be the identification of gaps in fulfilling peacebuilding priorities and conducting the analysis needed for accurately monitoring progress towards meeting those gaps.

The coming year will be a pivotal one for the Peacebuilding Commission. The General Assembly will evaluate and possibly modify the terms of reference for the Peacebuilding Fund and the Secretary-General will look anew at strengthening the United Nations response to early recovery situations. The Commission's contribution to those broader developments cannot be taken for granted. More than ever, it is time for the Commission to justify its central place in United Nations peacebuilding by achieving results on its own agenda and reaching out to incorporate the programmes and views of peacebuilding practitioners in the field. The General Assembly and the Economic and Social Council should take steps to support the Commission's work by moving expeditiously to fill their seats on the Commission during the coming term.

We take this opportunity to thank the chairs of the Peacebuilding Commission's country-specific configurations, who have so generously donated much of their time and energy to facilitating the

Commission's work in the field and in New York. We want to extend special thanks to Ambassador Yukio Takasu for his leadership in New York and to former Assistant Secretary-General Carolyn McAskie for her commitment to the Peacebuilding Support Office and the Commission during their first two years. We warmly welcome Jane Holl Lute, the new Assistant Secretary-General for Peacebuilding.

Mr. Grauls (Belgium) (*spoke in French*): I take the opportunity provided by today's debate to pay a tribute to the leadership of the Chairman of the Peacebuilding Commission, Mr. Yukio Takasu, the Permanent Representative of Japan, and to the work of his team. We would also like to voice our great appreciation to the Peacebuilding Support Office and in particular to the two Assistant Secretaries-General who have headed it, Carolyn McAskie, who played a pioneering role, and Jane Holl Lute, whom we wish every success and assure of our cooperation.

The representative of France made a statement on behalf of the members of the European Union with which Belgium associates itself. I recall the relevant recommendations of that statement: to encourage the efforts of the Peacebuilding Support Office to strengthen its capacity to act as a substantive support to the Commission; to improve the Commission's working methods to make it more effective and strategic; and to consider ways and means to define the entry points for the engagement of the Commission, the progressive reduction of that commitment and the end of that commitment.

Another recommendation of the European Union concerns the integration of the work of the Commission into the strategies of the Security Council as early in the process as possible. All of those recommendations of the European Union, moreover, for the most part overlap with those that were put forward here this past week by the Chairman of the Commission, the Permanent Representative of Japan.

I would like to make a few additional comments in my national capacity, first on the Peacebuilding Commission and then on the Peacebuilding Fund.

Today's annual meeting marks the second year of our Commission's existence. As might have been expected of that new institution, it still needs to establish a balance among its various objectives. Allow me to spell out a few aspects of that balance.

First, there is the balance between two of its primary objectives. Indeed, the dual mission of the Peacebuilding Commission consists, on the one hand, of bringing together key actors in peacebuilding to discuss strategic issues, and, on the other, of closely following the situation in the countries involved by mobilizing the resources required for their development. Within the framework of the limited resources available to the Commission, it is important to strike a proper balance between the efforts devoted to each of those two aspects.

Secondly, within the country-specific configurations, dialogue with the States involved must be conducted with respect for yet another balance between the central role of national ownership and the functioning of the mechanisms through mutual commitments. In that framework, a frank political dialogue between partners for peace is of pivotal importance.

Thirdly and finally, we must, without losing sight of the long-term objectives, create a blueprint for work based on concrete priorities that closely reflect the realities on the ground. In that way we can hope to create a virtuous circle through achievements that are truly tangible for people.

Belgium has had the great honour of being assigned the particular responsibility of accompanying the Central African Republic on its path to stabilization, together with the members of its country-specific configuration. I would like to tell the Assembly how receptive we have been to the various comments made and positions taken during this debate in order to integrate the observations and conclusions of the Assembly on these two years of Peacebuilding Commission experience into the way in which we will shoulder that responsibility.

We are also here today to address the report of the Peacebuilding Fund (A/63/218). Belgium is the twelfth contributor to that instrument and in that capacity is particularly interested in its proper functioning. The specific nature of the Peacebuilding Fund and the way in which it complements the Commission require further thought. While the difference between the two may be well understood in New York, that is not always the case for the authorities and the populations of the countries involved, in particular window-1 countries. The more clearly its scope and criteria are defined, the more it

will be possible to make it the essential tool that it can become.

In that context, we believe that it will be useful to examine the lessons learned from the first two years, and we welcome the fact that that exercise is under way. We eagerly await the report of the Office for Internal Oversight Services and the recommendations of the Advisory Committee.

The meeting rose at 1 p.m.